

**P-TAP Round 11
Questions and Answers
Proposers' Conference
October 22, 2009**

GOOD FAITH EFFORT

- What constitutes a “Good Faith Effort”?
 - A “Good Faith Effort” (GFE) is considered to have been made when an entity has exhausted all reasonable means to comply with contract goals. A proposer may be deemed to have made a good faith effort when it has tried, and failed, to comply with a contract goal through the discharge of one or more of the following to reach a targeted audience:
 - Advertising in special interest publications and on special interest media.
 - Contacting certified DBE’s.
 - A GFE also includes a willingness on the part of the proposer to make the following accommodations in order to comply with contract goals:
 - Unbundle contracts.
 - Provide assistance with bonding and insurance.
 - Mentor firms.
 - Provide training programs.
- Does the firm need to complete the Good Faith Effort, even if it meets the UDBE goal?
 - Yes. The Appendix that requests GFE information states "Bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the “Local Agency Bidder - UDBE Commitment” form indicates that the bidder has met the UDBE goal. This will protect the bidder’s eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a UDBE firm was not certified at bid opening, or the bidder made a mathematical error."
- Does the firm need to submit more than one copy of the Good Faith Effort?
 - Yes, the firm needs to submit the original plus five copies of the GFE with the Statement of Qualifications.
- How many publications should a firm advertize in, in order to meet the Good Faith Effort goal?
 - There is no maximum or minimum number; however, the number of reasonable publications would depend on their readership. Two to three publications in the Bay Area would suffice.
- If a firm advertized for the first RFQ that MTC issued for P-TAP Round 11, does the firm need to advertize again?
 - Yes, the RFQ issued on October 16, 2009 is a new procurement and firms need to meet the new Good Faith Effort goal for this RFQ.

- Does a firm need to complete the Good Faith Effort (GFE) even if that firm has an agreement with an UDBE sub-contractor?
 - Yes, every firm needs to complete the GFE to protect from failing to meet the UDBE goal. If a sub-contractor is not a certified UDBE, or the proposing firm does not accurately calculate the percentage of work for the UDBE, MTC will look to the GFE to ensure that each firm meets the UDBE goal.

SUB-CONTRACTORS

- Do sub-contractors need to be in the Bay Area?
 - No, firms do not need to be located in the Bay Area, but still need to be willing to work in this region.
- Will MTC accept an out-of-state certification for a DBE firm?
 - No, we will not accept an out of state certification. The DBE certification must be from the California Unified Certification Program (CUCP).
- If a firm is considered an UDBE under construction management, but not for design work, would that firm be considered an UDBE for P-TAP?
 - Yes, as long as that firm is able and capable of performing the work they are being subcontracted for, and as long as that work is part of the P-TAP SOQ.
- For Task One in the RFQ, MTC requires that firms pre-qualify. How does a firm use an UDBE to do work under Task One?
 - The proposing firm can sub-contract out parts of the task, for example, writing reports and data entry.
- For small projects, does the proposing firm need to sub-contract 10 percent of the contract?
 - For contracts under \$25,000 the UDBE goal does not apply. However, MTC does not plan to award contracts under \$25,000 for P-TAP.
 - For contracts over \$25,000 firms must meet the 10 percent UDBE goal.
 - Note that if your firm plans to meet a goal that exceeds the 10 percent requirement (i.e., your firm proposes to sub-contract 20 percent to an UDBE), then your firm must meet the goal you have listed in your proposal.
- If a sub-contractor does not perform up to the proposing firm's standards, what does MTC suggest that firm do?
 - Within Appendix E-5 there is space to list the sub-contractors that your firm has contacted, as well as to note why a firm did not have enough experience to do the work. To meet the GFE requirement, each proposer should list all of the sub-contractors that you have contacted, including your follow-up methods and reasons for rejection of any UDBEs.

- What if an UDBE needs to be recertified in December 2009?
 - As long as that UDBE's certification status is current on the date of submittal, the proposer can list that UDBE to meet the 10 percent goal. MTC will need confirmation of the firm's re-certification throughout the contract period.

DBE/UDBE – DEFINITIONS AND REPORTING

- What is the definition of a “subcontinent” Asian American? How does the definition differ from Asian Pacific American?
 - The Subcontinent Asian American category includes these race groups: Asian Indian (Hindu), Bangladeshi, Pakistani, and Sri Lankan. Any individuals identified as “Asian,” but not clearly categorized as Asian-Pacific versus Subcontinent Asian, are put into the Asian-Pacific group. (Overall, nine in ten Asians counted in the 2000 Census in California were Asian-Pacific Americans.)
 - For more information about the UDBE groups, go to the Caltrans website: <http://www.dot.ca.gov/hq/bep/index.htm>
- How often does the firm submit DBE forms to MTC?
 - MTC will require the successful proposers to provide monthly utilization reports on UDBE/DBE usage, as well as the "Final Report" at the end of the contract.
- Can a firm choose another work code in addition to those MTC chose (for DBE requirements)?
 - Yes, a firm may choose an additional work code, but the work must be tied to the scope of work for the RFQ.
- Does a firm need to fill out all of the DBE and UDBE forms listed in the RFQ?
 - Yes, every proposer must fill out Appendices E-1 through E-5 to fulfill the federal requirements. On Appendices E-3 and E-4 you may leave the dollar amount blank and fill in only the percentage of the project going to the UDBE/DBE firm.
- Does a firm need to fill out Appendices E-3 and E-4 for different tasks?
 - Yes, a firm should list the sub-contractors for different tasks in the tables on Appendices E-3 and E-4. The proposing firm may spread the 10 percent goal among firms. For example: “Firm ABC plans to spread the 10 percent between these firms: X Data Entry, Y Report Writing, and Z Printing.”
 - If during the course of the contract one of the listed firms becomes unable to perform the work, let MTC staff know of the change as soon as possible, and shift the remainder of the 10 percent to the other firms.
 - The same firm may be listed in Appendices E-3 and E-4 if that firm is an UDBE.

MISCELLANEOUS

- Can the per-centerline-mile rates be escalated for later contract years? And do the rates correspond to Task 1?
 - No, the rates will be valid for P-TAP Rounds 11, 12 and 13. A proposer may assume an average of the rates over three years.
 - Yes, the per-centerline-mile rates correspond to Task 1 and they are based on the cost of doing pavement inspections.
- How much of the 10 percent goal is Race Neutral?
 - MTC cannot indicate a certain percentage for a Race Neutral goal. The 10 percent goal is Race Conscious and applies to UDBEs.